IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 175 OF 2005

Faridul Haque Shah Mohammad Ansari. ... Appellant.

Versus.

The State of Maharashtra & others. ... Respondent.

Shri B.P.Shukla for the Appellant.

Ms.Geeta Mulekar, A.G.P.for the Respondents Nos.1 & 2.

Ms.Geeta Joglekar for Resondent No.3.

CORAM : ABHAY S. OKA, J.

DATED : 10th March, 2005.

P.C.:

1. Heard the learned Counsel appearing for the parties. The Appeal is by the original Plaintiff. The challenge in this Appeal is to the order dated 14th January 2005 by which ad-interim relief was refused. The Appellant claims that the suit structure is still in existence. The learned A.G.P. on instructions of Smt.R.R.Harchekar, Naib Tahsilkar from the office of the Deputy Collector (ENC), Malad, who is stated to be present in Court, states that the suit structure and all other adjoining structures were demolished on 17th January 2005. The said statement is accepted.

2. In view of this statement no interference is called

for with the impugned order. Accordingly the Appeal from order is dismissed with no order as to costs.

3. All questions on merit in the suit are expressly kept open.

Judge.